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"The Tamil demand for a separate state is predicated on the conviction that as an identifiable people with a defined territory, they are entitled to self determination under international law.... Articles 1 of both the Civil and Political Covenant and the Economic, Social and Cultural Covenant provide that 'All peoples have the right to self determination. By virtue of the right they freely determine their political status and freely pursue their economic, social and cultural development;'... The Tamils could be considered to be a 'people'. They have a distinct language, culture, a separate religious identity from the majority population, and to an extent, a defined territory... **The application of the principle of self determination in concrete cases is difficult. It seems, nevertheless, that a credible argument can be made that the Tamil community in Sri Lanka is entitled to self determination.** But ultimately, it will not be the legal principle of self determination which will solve the problem of Sinhalese-Tamil relations in Sri Lanka but rather a willingness on the part of both groups to work out a political settlement. Self determination does not necessarily mean 'separation', as pointed out in the Principles of Friendly Relations. It may be exercised while remaining in association or integration with an existing state...What is essential is that the political status of the 'people' should be freely determined by the 'people' themselves... **The fate of the Tamils in Sri Lanka remains a matter of international concern."**

- Professor Virginia Leary, Report of a Mission to Sri Lanka in July-August 1981 on behalf of the International Commission of Jurists.

INTERNATIONAL TAMIL CONFERENCE SPECIAL ISSUE

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PSYCHOLOGY OF STATE TERRORISM

by M. Sreetharan, PhD

During the pre-accord period, driven by the historical emotional attachment to India, an overwhelming majority of Tamils wished and demanded India to intervene militarily in Sri Lanka. **Contrary to our expectations, we have witnessed, as distant observers and with many of us burdened with personal tragedies, the untold suffering and destruction unleashed on the Tamil community and their property by the Indian invasion forces.** It is worthwhile examining some fundamental principles that govern the behaviour of nations in marching forward with their geopolitical agenda. Some material in the following sections has been drawn from the writings of Noam Chomsky, a world renowned scholar and Ferrari Ward Professor of Linguistics at MIT, whose scathing criticisms of US foreign policy have often been an embarrassment to the Reagan administration.

Three different mechanisms can be identified that serve as potential sources of state terrorism (political ideology plays no part in the psychology behind terror, but methods to achieve the ambitions may be different):

1) Superpowers finding ingenious ways to exacerbate local hostilities and inhibit peaceful resolution of local conflicts. e.g., Contras (US), Afghan Govt. (USSR).
2) Regional powers or powerful neighbours attempting to control states that threaten their geopolitical designs for the region. e.g. Indian involvement in Sri Lanka.
3) Nations within a single state with either a 'democratically' elected majority conducting with complete freedom state-sponsored terrorism to subjugate a politically weak minority or an authoritarian regime terrorising its own population. e.g. Majority Sinhalese Government-sponsored pogroms, massacres and planned land settlement policies to make Tamils nonentities in Sri Lankan socio-economic spectrum.

The philosophy and the moral content behind these actions by organised 'legitimate' institutions, short-sighted and corrupted by the power derived from their relative military strength, is common; subjugation by terror motivated by self interest with rudimentary respect for international law. The only difference is in the size of the geographic area the aggressor wishes to have under its influence.

THE FIFTH FREEDOM

Franklin Roosevelt announced that US and its allies must uphold in the conflict with fascism the following four freedoms: freedom of speech, freedom of worship, freedom from want and freedom from fear. The central conclusion that emerges from the historical record of all nations that have engaged in state terrorism is the concept of preservation of the fifth freedom, understood crudely but with fair degree of accuracy as: **"The freedom to rob, to exploit and to dominate, to undertake any course of action to ensure that existing privilege is protected and advanced"** thereby having the freedom to breach the most fundamental tenet in the state system, the sovereign equality. The IPKF's behaviour in the Tamil heartland can be explained in the above context; they were only exercising their fifth freedom. Indiscriminate killing of thousands of civilians (including the old, children, doctors and patients in Jaffna hospital, the documented evidences are embarrassing to the extent that the UN indicted India at the sessions of the human rights commission) and looting of the savings of the Tamils are all valid courses of action under the rules governing the 'fifth freedom'.

MEDIA AND ORWELLISMS

Liberal democratic theorists have long noted that in a society where the voice of the people is heard elite groups must insure that the voice says the right things. In Sri Lanka, the media IS controlled by the state; what people think does not matter too much. (The 'peace keeping' Indian commandos further helped the Sri Lankan regime by blasting the press/buildings of all three Tamil newspapers). In India bulk of the media is state-controlled with a few notable exceptions. The propagandist flirtations of such media even hailed the Sri Lankan involvement as a foreign policy success for India. As vehemently criticised by the former Foreign Secretary Venkateswaran, India does not have a coherent foreign policy; rather they are made at the whims of the politically naive but aristocratically arrogant Prime Minister of India. But the state-controlled media dutifully labours to maintain a positive image of their chief executive. **The constrained dissent exhibited in Tamil Nadu for the Indian atrocities in Jaffna reflects the efficiency of the propaganda machinery of the state.** In contrast, United States is unusual if not unique in the

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Sri Lankan soldiers taking Tamil youths for questioning in Point Pedro

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THANMAANAM

There comes a time in the life of a people, there comes a stage in their history, when they become increasingly aware of the links that link them together and the bonds that bind them together. And today the Tamil people, living in many lands and across distant seas, are becoming increasingly aware of their togetherness. It is a togetherness which is rooted in a shared heritage, a common language and a common culture. But it is a togetherness which is not a function of the past alone. It is a togetherness which is being pressed into shape by a continuing discrimination which seeks to treat separately and which thereby inevitably nurtures that which is separately treated. And it is a togetherness which is given purpose and direction by a growing resolve and a growing determination amongst the Tamil people, that they will build a future where they, and their children, and their children's children may live with self-respect and with dignity. It is a growing togetherness which is slowly but surely maturing and which seeks to cry out openly and aloud, in pain and in joy: 'Yes, we live in many lands and across distant seas, but we, too, are a people'.

And the International Tamil Conference which commences its deliberations in London this week represents an open manifestation of the growing togetherness of the Tamil people, living in many lands and across distant seas. Delegates from more than 100 Tamil Associations and more than 15 countries will meet to explore the central issues of the national struggle of the Tamils of Sri Lanka and to examine the extent to which the Indo-Sri Lankan Peace Accord of July 1987 satisfies their aspirations, and in particular their claim to the right of self-determination. The Conference has been convened at a time when the so-called Indo-Sri Lankan Peace Accord has brought neither peace nor justice to the Tamil People and at a time when attempts are being made to silence the voice of the Tamil people in their own homelands. There is an imperative need to strengthen the capacity of the Liberation Tigers of Tamil Eelam to give coherence and direction to the Tamil national struggle and there is an imperative need to lend support to the efforts of Velupillai Prabaharan who has emerged as the true leader of the Tamil national struggle. The time is opportune, therefore, for the voice of the international Tamil community to be heard in London, in support of those rights which spring from the inherent dignity of man, because the Tamil people seek to live with dignity amongst their fellow men. And foremost amongst these human rights, and from which all other rights flow, is the right of self-determination of a people - a right enshrined appropriately enough, in Article 1 of the International Covenant of Civil and Political Rights.

We applaud the intention of the Conference to 'focus on the interface between politics and human rights' because we too believe that 'human rights separated from politics often becomes the platitudinous expression of Utopian ideals; whilst politics which is unconcerned with human rights becomes a cynical pursuit of power for its own sake'. As long ago as 1984, Professor Leo Kruper warned in the Minority Rights Group Report on International Action Against Genocide, that 'the communal massacres in Sri Lanka, in a context of societal conflict' threatened a genocidal situation. He pointed out that claims for greater autonomy often led to genocidal responses and he urged that there was 'a great need for delegations of member States (of the United Nations) with a strong commitment to human rights, and for non-governmental organisations with consultative status, to continue their efforts to recall the United Nations to its responsibilities for international protection against genocide and other gross and consistent violations of human rights' and further that 'these efforts should include attempts to develop norms for the exercise of the right of self-determination in a decolonised world'. Professor Leo Kruper's words have today assumed an urgency that can no longer be denied.

There is a clear and urgent need 'to give the thick edge of action' to the Reports of Amnesty International, the International Commission of Jurists, the Lawasia Human Rights Group, International Alert, the World Council of Churches, Australian Parliamentary Group of Amnesty International, the Emergency Committee of Sri Lanka, the Working Group on Enforced or Involuntary Disappearances, and several other non-governmental agencies and independent observers on the gross and consistent violations of human rights in Sri Lanka - gross and consistent violations which have led to a 'threatened' genocidal situation. And if the Conference can persuade the international community to address itself to the root cause of these violations, namely, the failure to develop norms for the exercise of the right of self-determination by the Tamils of Sri Lanka then it would have performed an important and useful task. There is an urgent need to persuade member states of the United Nations and non-governmental organisations, that a reluctance on their part to espouse the division of the sovereign state of Sri Lanka should not lead them to deny that there are in Sri Lanka today two nations - the Tamil nation and the Sinhalese nation and that a political settle ent of the conflict in Sri Lanka can be achieved only on the basis of recognising this political reality. We wish this historic International Tamil Conference in London, every success in its efforts to secure justice for the Tamils of Sri Lanka - because, apart from anything else, without justice, peace will not come to the Indian region. And there can be no justice without effective implementation of those basic and fundamental rights which spring from the inherent dignity of man. And, we repeat, the Tamil people seek to live in dignity and with self-respect, with their fellowmen -in Tamil we say, Thanmaanam.

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THIMPU NEGOTIATIONS : A WATERSHED

In June 1985, at the initiative of the Government of India, the leaders of the Tamil militant movements which were engaged in an armed struggle for the establishment of a separate Tamil Eelam state in the North and East of Sri Lanka, agreed to a 'ceasefire' as a preliminary step to creating a 'congenial' atmosphere for 'peace talks'. Phase I of the talks commenced on the 8th of July 1985 and concluded on the 13th of July 1985. Phase II of the talks commenced on the 12th of August 1985 and ended on the 17th of August 1985. The venue of the talks was Thimpu, the capital city of the Himalayan kingdom of Bhutan. ***The Thimpu negotiations represented a watershed in the Tamil national struggle for more reasons than one. Firstly, the recognition accorded to the representations of the militant movement by both the Sri Lankan government and the Indian government and the open participation of these representatives at negotiations with the accredited representatives of the Sri Lankan government, secured the legitimation of the armed struggle of the Tamil people in an international frame. Secondly, the Declaration made by the Tamil delegation at Thimpu, which has come to be known as the Thimpu Declaration, served to crystallise the central issues of the Tamil national struggle and thereby also served as a mobilising platform for the struggle.*** *We set out below a summary of the joint and unanimous statement made by the Tamil delegation to the Thimpu talks on the 17th of August, 1985:*

JOINT RESPONSE OF THE TAMIL DELEGATION ON THE CONCLUDING DAY OF PHASE II OF THE THIMPU TALKS ON THE 17TH OF AUGUST 1985

The Thimpu talks were convened at the initiative of the Government of India. It was an initiative which we welcomed particularly in the context of Prime Minister Shri Rajiv Gandhi's statement concerning the need to find a just and lasting solution to the Tamil national question.

At the commencement of these talks in early July 1985, the Sri Lankan government presented certain proposals, which were in substance, a repetition of the proposals by the Government to the aborted All-Party Conference in Colombo in December 1984. These proposals had been rejected by the TULF and the action of the Sri Lankan government in placing similar proposals once again at the Thimpu talks called in question the good faith of the Government and its commitment to seek a just solution at these talks

The intent of the proposals that were presented was clear. Although it was stated that power would devolve on District Councils, in fact, the District Councils were without executive power. Again, even their limited legislative power to enact subsidiary legislation was made subject to the control and approval of the President. Finally, the funds to be placed at the disposal of a District Council were to be determined at the discretion of a commission appointed by the President. The proposals submitted by the Sri Lanka Government did not devolve power from the centre: they reinforced the power of the centre to manage the districts. The proposals constituted evidence of the intention of Sri Lankan government to manage and control the Tamil people even in the relatively insignificant functional areas where the District Councils were given some jurisdiction.

We, the Tamil delegation consisting of six organisations, unanimously rejected these proposals because it was our considered view that any meaningful solution to the Tamil national question must be based on the four cardinal principles enunciated by us.

The talks were thereafter adjourned to the 12th of August 1985, on which date the Sri Lankan government made a statement setting out its understanding of the four basic principles enunciated by us and the Sri Lankan government denied that the Tamils constituted a nation, that the Tamils have an identifiable homeland, and further that the Tamil people have the right of self-determination. The Sri Lankan government further questioned our right to represent or negotiate on behalf of the plantation Tamils in the Island.

We responded by our statement of the 13th August 1985, and pointed out that **our demand for self-determination had evolved and taken shape historically through the determined political struggles of our people. We stated that the Tamils of Eelam or Tamil Eelam, constituted a nation with a common heritage, a common culture, a common language and an identified homeland, and further that they were a subjugated people and as such they had the inherent right to free themselves from an alien subjugation. It is right of self-determination that has come to be recognised as one of the peremptory norms of general international law.** We stated that in upholding the right of self-determination, we as a people have the liberty to determine our political status, to freely associate or integrate with an independent state or secede and establish a sovereign independent state. **We mentioned, however, that the enumeration of the principles enunciated by us did not entail that we were opposed to**

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any rational dialogue with the government of Sri Lanka on the basis of such principles.

At the subsequent talks on the 13th and 14th of August 1985, the Sri Lankan government delegation failed to engage in any discussion concerning the basic framework that we had enunciated. This was despite the circumstance that the members of the Tamil delegation specifically requested the Sri Lankan Government delegation to honour that which it had stated in its own statement of the 12th August, i.e. to engage in a 'fruitful exchange' of views.

The Sri Lankan government delegation presented instead its so-called 'new proposals' on the 16th August 1985. These 'new proposals' are a rehash of the earlier proposals with the right to certain District Councils to function as Provincial Councils.

The 'new proposals' do not recognise that the Tamil- speaking people have the right to an identified homeland. The 'new proposals' do not recognise the inalienable right of self-determination of the Tamil people. And finally, the 'new proposals' do not secure the fundamental rights of the Tamil people and any solution to the Tamil national question is inseparable from the resolution of the problems of the plantation Tamils in the Island. And accordingly, the 'new proposals' fail to satisfy the legitimate political aspirations of the Tamil people.

We may add that the so-called 'new proposals' are in fact nothing new. As early as 1928, the Donoughmore Commission recommended the establishment of Provincial Councils on the ground that it was desirable that a large part of the administrative work of the centre should come into the hands of persons resident in the districts and thus more directly in contact with the needs of the area. Twelve years later the Executive Committee of Local Administration chaired by the late S.W.R.D.Bandaranaike, considered the proposal of the Donoughmore Commission, and in 1940 the State Council (the legislature) approved the establishment of Provincial Councils. But nothing was in fact done, though in 1947, on the floor of the House of Representatives, the late S.W.R.D.Bandaranaike again declared his support for the establishment of Provincial Councils.

In 1955, the Choksy Commission recommended the establishment of Regional Councils to take over the functions that were exercised by the Kachcheries and in May 1957, the government of the late S.W.R.D.Bandaranaike presented a draft of the proposed Bill for the establishment of Regional Councils. Subsequently, in July 1957, the Bandaranaike-Chelvanayagam Pact made provision for direct election to Regional Councils and also provided that the subjects covered by Regional Councils shall include agriculture, co-operatives , lands and land development, colonisation and education. The Pact however did not survive the opposition of sections of the Sinhalese community which included the United National Party.

In July 1963, the government of Mrs.Bandaranaike declared that 'early consideration' would be given to the question of the establishment of District Councils to replace the Kachcheries and the government appointed a Committee on District Councils and the report of this Committee containing a draft of the proposed Bill to establish District Councils but again nothing was in fact done.

In 1965, the government of the late Dudley Senanayake declared that it would give 'earnest consideration' to the establishment of District Councils and in 1968 a draft Bill approved by the Dudley Senanayake Cabinet was presented as a White Paper and this Bill provided for the establishment of District Councils. This time round, the opposition to the Bill was spearheaded by the Sri Lanka Freedom Party which professed to follow the policies of the late S.W.R.D.Bandaranaike who himself had in 1940, 1947 and again in 1957, supported the establishment of Provincial/Regional Councils. In view of the opposition the Dudley Senanayake government withdrew the Bill that it had presented.

More than 50 years have passed since 1928, and we have moved from Provincial Councils to Regional Councils and from Regional Councils to District Councils, and now from District Councils back to District/Provincial Councils. We have had the 'early consideration' of Mrs.Srimavo Bandaranaike and the 'earnest consideration' of the late Dudley Senanayake. There has been no shortage of Committees and Commissions, of reports and recommendations, but that which was lacking, was the political will to recognise the existence of the Tamil nation. And simultaneous with this process of broken pacts and dishonoured agreements, the Tamil people were subjected to an ever-widening and deepening national oppression aimed at undermining the integrity of the Tamil nation.

The four basic principles that we have set out at the Thimpu talks as the necessary framework for any rational dialogue with the Sri Lankan government are not some mere theoretical constructs. They represent the hard existential reality of the struggle of the Tamil people for their fundamental and basic rights. It is a struggle which initially manifested itself in the demand for a federal constitution in the 1950s and later in the face of a continuing and increasing oppression and discrimination, found logical expression in the demand for the independent Tamil state of Eelam or Tamil Eelam. It is a struggle in which thousands of Tamils have died and many thousands more have lost their properties and their means of livelihood - they have died and they have suffered so that their brothers and sisters may live in equality and in freedom.

And so, we declare here at Thimpu, without rancour, and with patience, that we shall speak at Thimpu, or for that matter anywhere else, on behalf of the Tamil nation or not at all. And we call upon the Sri Lankan government to state unequivocally, whether it is prepared to enter into a rational dialogue on the basis of the framework set out by the cardinal principles enunciated by us at these talks.

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THE SRI LANKA ACCORD : AN AUTOPSY

By Justice V.R. Krishna Iyer

This is a continuation of the article by Justice Krishna Iyer published in our issue Vol.1, No.7 under the same title -Ed.

A clearer example of the past projecting into the present and a broader grasp of the dilatory developments vis-a-vis the island's ethnic conflict may be appropriate. Essentially, the escalating ethnic antagonism was due to a scramble for economic opportunities among competing ethnic communities. The Sinhalese constituted 74 per cent of the population. The Tamils including the more exploited Tamils of Indian origin were of the order of around 20 per cent and Muslims seven per cent. The Muslims also speak Tamil. The indigenous Jaffna Tamils had better education and job opportunities under the British and provided the manpower for the colonial administration. After independence, the vastly numerically superior but competitively inferior Sinhalese made Sinhala the official language, Buddhism a preferred religion, and augmentation of educational and economic opportunities for the Sinhalese a national policy.

The Tamils were also victims of ethnically motivated riots since 1958. But, since 1983, discrimination had escalated into suppression and tolerance of Tamils had deteriorated into chauvinist hostility. From the womb of this socio-economic complex of injustices was born the liberation movements of which the Tamil United Liberation Front (TULF) was the spearhead. It was moderate in its methods, but militancy took over when repression was intensified. Prabaharan's Tigers claimed Eelam (homeland) of the Tamil- dominated provinces and took over the offensive of mass killing of Sinhalese. The situation worsened with the intrusion of Sinhalese through State-sponsored colonisation schemes calculated to reduce the Tamils to a minority in some regions where they were in a majority.

The aggravation of communal tension continued despite Indira Gandhi's efforts to produce a just solution through G.Parthasarathy. President Jayewardene and Prime Minister Rajiv Gandhi met under the pressure of a deepening crisis, hoping to give a creative turn to the solution of the vexed problem. The cease-fire of June 1985 was a good omen. Further rounds of talks in July and August were marred by further killings. The second cease-fire of October 10, 1985, did not stop the killings of Tamils. Although Rajiv Gandhi described the problem as a purely Sri Lankan one, he rightly expressed concern over the mass influx of refugees and the violation of human rights. However, abandoning a political solution to a political problem, Jayewardene sought a military methodology and roped in Pakistan, Britain and Israel in the shape of experts from these countries to wage a mini-war against militant Tamils.

Next came the conference of June 1986 with proposals for provincial councils and other institutions involving devolution of powers. The quantum of devolution was poor and the merger of the north and the east was rejected by the President. So the Tamils fed militarist militancy into their operational pattern. And then in December 1986 came the new proposals with ministers Natwar Singh and P.Chidambaram catalysing the process. The LTTE, dissatisfied with the proposals, persisted in their gory guerilla tactics, but Jayewardene countered this move by full-scale blockading of Jaffna and starving the people, stopping communications and medical supplies, even bombing them. The world was horrified and India, in a sudden outburst of activity, initiated talks leading to the accord.

June-July, 1987 saw a frenetic spell in Colombo-Delhi relations, after a fruitless zig-zag of futile palavers and deepening distrust. The Gandhi government, in a hubristic mood of sudden humanitarianism, and acting almost unilaterally, despatched in June to the starving Tamils of blockaded Jaffna, daily needed food and medicine. They were peremptorily sent back by the puny Sri Lankan navy. Hurt by this humiliating rebuff, South Block hit back, ignoring international regulations about trespassing on the air space of sovereign states and air dropping food and medical supplies over the besieged north. Though Colombo protested, its anger was happily obliterated by the welcome announcement of an agreement between the artful Lankan President and the artless Indian prime minister.

July 29, 1987, surprisingly witnessed a unique ceremony - two statesmen signed a vague accord of sorts in Colombo. A Jaffna cease-fire, a lovely serendipity indeed, was announced. The bilateral agreement was instantly blessed by President Reagan and praised by various other foreign leaders. So far so good. The gestation and the midwifery of this agreement are a riddle wrapped in mystery; the cumulative meaning of the ambivalent clauses of this hasty document is an arcane enigma; whom it benefits in the short and the long run is, as yet, difficult to decode. The India-Lanka accord must be tested by measuring its clauses, their viability and credibility, against the triple imperatives of Tamil justice and the restoration of people's political processes for Sinhalese and Moors, Burghers and others living in the 'democratic socialist republic of Sri Lanka'.

There is a sombre realism in the growing feeling that peace is still a pipe- dream and the promised breakthrough is dwindling into a breakdown. Here is a typical sober response to the developments which spell death for Tamil optimism about fulfilment of the agreement. In an interview in 'The Hindu', Padmanabhan, the secretary-general of the Eelam People's Revolutionary Liberation Front, which obeyed the accord and disarmed itself said; "We are greatly concerned with the problem arising out of armed hostilities between the peace keeping force and

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the LTTE. It is imperative that the Indian government take all steps to ensure that the civilian casualties and the extreme economic and psychological deprivation of our people is kept to an absolute minimum or avoided altogether."

Does this acid comment implicate the Indian forces in the consciousness of the Tamil people as guilty of military excesses in fighting the LTTE?, Armies away from home are not always examples of Newman's definition of a gentleman. Padmanabhan further mourns, "Although five months have elapsed since the Indo-Sri Lanka accord, the people's expectation that it would pave the way for peace, democracy and devolution of power to the Tamils remains a distant dream. In fact, the present reality that faces our people is one of despair, deprivation and death. The EPRLF, which extended its support to the accord, is now finding it difficult to demonstrate to our people, in concrete and tangible terms, the gains of the accord. What our people see is the process through which only those conditions favourable to the Sri Lanka government are being satisfied."

All the fanfare and fancy dress about the historic event of July 29, 1987, now boomerang on India because our prime minister failed to discern the fine distinction between haste and speed. And who pays the penalty? Mainstream wrote on November 14: "It is good that the prime minister paid tribute to the sacrifices of our jawans and officers who had fallen in the Sri Lanka operations, and their number is not inconsiderable. At the same time, it would be pertinent to ask what was the cause for which our soldiers have given away their lives. Obviously this was not for the defence of the motherland. Nor have we decided to build an empire beyond our borders for which our troops have had to shed their blood. Nor are we fighting to save the world from the evils of communism as the American GIs were told in Vietnam, nor for the defence of the socialist fatherland as the Soviet soldiers might have been motivated in Afghanistan. What is it for which our jawans are fighting? Is it to keep up the tottering Jayewardene regime? What needs to be questioned is not the role of the Indian armed forces, but the irresponsibility of those at the political level who have ordered our forces to Sri Lanka'.

The corpse of the amnesty clause lies in Sri Lanka, with India looking on, deaf-mute, but continuing its tiger hunt. It looks as if Rajiv Gandhi's only clause in the accord is surrender of arms. Lankan perfidy is beyond his ken or courage. Nor is the liquidation of the blackguardly, blockheaded LTTE the end of the story. The Tigers - or a section of them - may be a malignant manifestation but the militant fight of the last Tamils will persist until basic justice greets them.

There is no Left or Right where people are face to face with liberty or death. Every liberation struggle in the world proves this. While Indian official propaganda yells against the savage deeds of the Tamil Tigers and praises the triumph of the Indian troops against half-baked desperadoes - many trained and equipped in the past in Tamil Nadu - as a victory in the 'great' battle for Jaffna, Jayewardene chuckles, pays tongue-in-cheek compliments, and Sinhalese soldiers sigh with relief that their lives are safe and their weapons unstained with their own countrymen's blood.

Should dialectical activists omit to criticise Indian impotence in events that occurred after signing the agreement? Events such as -

(a) preventing student Thileepan's fast-unto-death for human rights in prison and eventual death;

(b) the cyanide suicide of 13 Tigers caught and transferred to Colombo to be tortured contrary to the proclaimed amnesty;

(c) the indifference of the Jayewardene government to the fate of thousands of detenues, innocent Tamil and progressive Sinhalese;

(d) the blatant violation by the J R J regime through the twin legislative pretences which stultify the agreement in its very essence; and

(e) the murky absurdity of Colombo's claim to be in control of the IPKF which is a slur on our national self-respect and frustrates our country's humane purpose in sacrificing the lives of its jawans. The folly of South Block shall not sink our national resources in quicksand and kill our soldiers in Tiger-infested quagmire.

Rajiv Gandhi brooks no democratic dissent and changes his mind and mood because he has a majority in Parliament and impregnable authority in his party. Inner party or intra-cabinet democracy is a casualty in such a milieu; and the civil services, party echelons and the vast Congress or allied populace enjoy, in Mark Twain's language, 'three unspeakably precious things: freedom of speech, freedom of conscience, and the prudence never to practise either of them'. Lacking that intense empathy with Tamil ethnicity and vaccinated against criticism, the shining profile of our prime minister loses its convincing persuasiveness, despite his bona fides. The Tamils perhaps feel that to pin their faith in the JRJ-Rajiv accord as their sole saviour is giving the wildest hostage to fortune. They have good grounds to be sceptical.

There were high hopes for the accord, even critics of the Left discovering some good in it. Let us dissect the diplomatic agreement with rationalist reverence. *By courtesy of 'Illustrated Weekly of India' - April 10, 1988. (To be continued).*

Dial Round The Clock News

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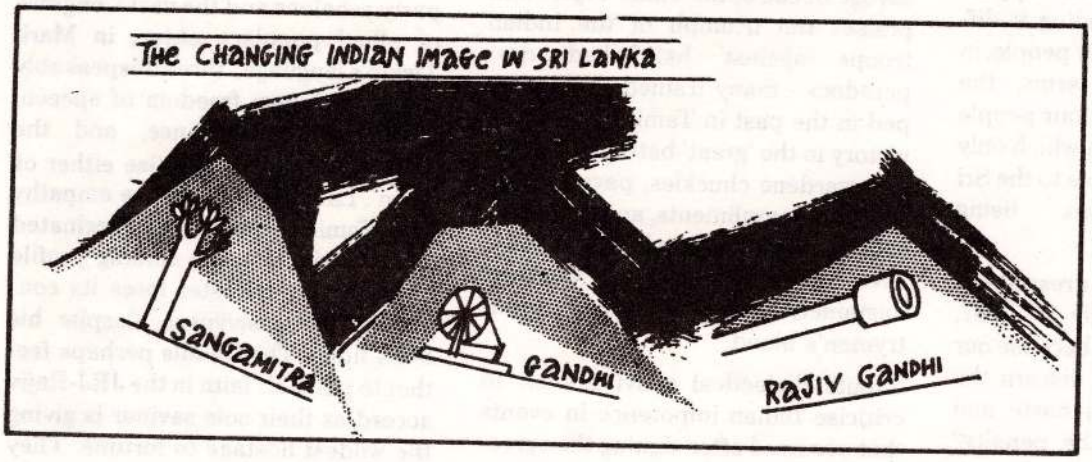
TIME TO LEAVE

Eight months have passed since Indian troops descended on Sri Lanka to quell Tamil insurgency. Many lives have been lost on both sides, but the war continues without an end in sight. Akbar Krishna argues that it is time for India to pull out of the island

Why are we in Sri Lanka? To hear it from the glib avatars of realpolitik on the cocktail circuit of New Delhi, we are pursuing our strategic interests there. India had to decisively end the Tamil insurgency in Sri Lanka; otherwise Colombo would have been, indeed was, tempted to invite others in to help them to do it. We would have had Pakistan training the Sri Lankan army, American companies exploring for oil off the Lankan coast, and Trincomalee reduced to a western base. 'Indian interests' would have suffered.



So instead, we are busy annihilating the Tamil force we had helped create, arm and train, in order to force them by war to make peace with someone else. And in the process of frying this particular omelette we are breaking a number of eggs; reducing much of northern and eastern Sri Lanka to rubble; taking the lives of people our soldiers had gone there to protect; losing the hold we have always had on their hearts and minds. As our own country reels in the grip of one of the worst droughts of the century, our national exchequer rains five crores of rupees a day into the effort to establish a Pax Indica on the teardrop island off our shores.

What for? The explanations of the government's critics have ranged from the naive to the cynical. I do not believe our prime minister suffers from a chronic addiction to unworkable accords, as some suggest. Nor am I convinced he was grasping at a foreign straw to pull him out of the domestic quicksand into which he seemed to be sinking. No. I think that New Delhi decided, no doubt reluctantly, to follow Kautilya rather than Rama; our incursion into Lankan affairs reflects South Block's view of the imperatives of statecraft rather than Racecourse Road's of the exigencies of politics.

Four-and-a-half years ago (Weekly Oct.23.1983) I suggested that Delhi was never likely to intervene militarily in favour of the Tamils; if anything, our calculations would place us, unlike in 1971 over Bangladesh, on Colombo's side of the argument. I feel no satisfaction in having been proved right.

But for all the cold logic of our position, there is no doubting that, to an increasing minority of thinking Indians, our intervention in pursuit of that position is indefensible. It was arguably time for us to wash our hands off the short-sighted intransigents of the LTTE and to wish Colombo luck and diplomatic support in its attempts to reassert Sri Lankan national unity - but not for Indian jawans to shed their blood to attain this end.

In the pages of the Weekly, that fine and insightful observer of our times, O.V.Vijayan, suggested the Lankan venture was the last thrust of the Aryan incursion into the Dravidian South. But there was nothing Dravidian about the retired general I met in Delhi who bitterly described the IPKF as the Innocent People Killing Force; about the father who spoke to me of the anguish of his son, an army captain, at seeing his comrades hunting down people they had themselves trained; of the retired ambassador who told me he would have been ashamed to be defending this policy in an international forum today. **These were all North Indians, scions of Aryavrata, and they were saddened and disillusioned by our hollow victories over Prabaharan's rakshasas.**

Make no mistake, these words are not intended to cast any aspersions on the courage and valour of the Indian soldiers who are so bravely fighting today in Sri Lanka. But they are meant to question the judgement and morality of the policy-makers who sent them there. There was a time, not so long ago, when India's foreign policy spokesmen boasted that our international role emerged from our national values and cultural traditions; that India's foreign policy was legacy of the Hindu precepts and Buddhist ethics which had given us the ahimsa and satyagraha of our freedom struggle. Nehru even attributed nonalignment to atavism; 'there was no cold war', he explained, 'in Asoka's heart'.

Of course, all this probably had as much to do with the rhetorical flourishes of new orators of the world stage as with any real policy assumptions. But the assertion of an ethical inter-

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national position did at least accord with the national self-image of Indians; it gave to the country's often ineffective external policies a moral legitimacy that guaranteed their acceptance. Foreign policy in India was elevated to an historically-sanctified expression of the country's innate genius, and it rapidly acquired an impressive political consensus.

The Sri Lankan adventure threatens that consensus as nothing before. It does so not merely because the killing of Tamils in Sri Lanka risks mortally offending the Tamils of India, a prospect made all the more likely by MGR's death. The campaign also imposes a strain on the national treasury that will become increasingly difficult to sustain.

The primary duty of an Indian government is to meet the needs of the Indian people. Instead, our military expenditure on Sri Lanka is soaring at a time when Colombo has cheerfully slashed (for the first time in ten years) its spending on the army by 37 per cent and its overall defence allocations by 13.5 per cent. While anti-Indian vitriol corrodes both Sinhalese and Tamil opinion, President Jayewardene proudly tells his compatriots that Indian soldiers are now dying instead of Sri Lankans.

No Indian government can indefinitely divert resources from development to war unless the broad mass of the people are convinced that the war is vital to their own survival. And this they will not be, because as the death-toll mounts and domestic inflation rises and the government seems to have less and less money and time to devote to the needs of the people, they will begin to question the war. And no amount of slick talk about strategic goals, or about Pakistanis or Americans, will convince them that India should be expending precious resources, lives and fraternal goodwill by intruding into somebody else's quarrel.

In Bangladesh we at least had the moral argument; we were intervening on behalf of the oppressed, the victims of exploitation and attempted intellectual genocide. **In Sri Lanka we have placed expediency above ethics, and defined our national interest without reference to the interests of our nationals.**

In the end, such a policy can never succeed. Let us pull out in honour before we are forced to do so in disgrace. *(By courtesy - Illustrated Weekly of India - April 10, 1988)*

PSYCHOLOGY OF STATE TERRORISM

continued from page 2

lack of restraints on freedom of expression. Here, the technique is 'manufacturing consent' as is immediately evident to any foreigner; the thinking of the indigenous population except the intellectually bright are already controlled by the media.

In the Indian invasion of Jaffna the Peace-Accord became the focal word. By the history of this accord it is already a form of 'Newspeak' where the term, Peace-Accord, has a technical sense divorced from its ordinary meaning. In its technical sense it refers to the proposals advanced by the Indian government and the Sri Lankan government. The LTTE, the other main party in the conflict, was never a party to the accord. The impact of a headline saying "LTTE breaks the Peace-Accord" is obvious, but as we have seen although this is false, it is true in the world constructed by the media.

The state-controlled media will play down the role of overt state violence, regardless of its indiscriminateness or its intent to hit 'non-combatant targets'. These forms of state-sponsorship are generally treated as falling within the morally neutral and emotionally positive category of 'uses of force' or 'military action' or 'hit guerilla targets'. Manipulation of political language certainly acts as a powerful weapon in perpetuating this fraud.

DAMAGE CONTROL

Once the aggressor nation fails to achieve the objectives as swiftly as originally planned, a project of damage control becomes the next logical step. The state will be forced to deal with the following issues:

a) to conceal the systematic nature of the criminality now being partially exposed;

b) to question the failure of their military machinery against a weak enemy as judged by their intelligence agencies;

c) to reassess the options and continue the offensive or find a way out, without losing face.

Indian involvement in Sri Lanka presents a case-study of underestimating the strength of a 'weak' minority. India currently is in the damage control phase. Simplified explanatory models are being used in paranoid style to establish some kind of justification for their actions. (IPKF is publishing their own newspaper in Jaffna to replace the local papers they demolished). Recently, however, common sense appears to have given way to their hitherto intransigence of not negotiating with the LTTE, the only credible representatives of the Eelam Tamils, hopefully to pave the way for a justified solution in the Tamils point of view.

SUMMARY

The recent period in the history of Sri Lankan Tamils is unique in the story of humanity; a powerless, but morally strong minority undergoing immense sufferings under the hands of undisciplined military of two terrorist regimes in succession, behind the veil of democracy and peace while the world simply observed in silence. What has also been tragic is the fact that 'democracy' in the land that is the proud mother of Mohanadas Gandhi and Jawaharlal Nehru has not been strong enough to play a principled role in the conflict. As a global community, we are still short of a fair international mechanism that safeguards the fundamental rights of minority groups struggling all over the world.

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THE RIGHT OF THE TAMIL NATION TO SELF-DETERMINATION

By Justice Satchi Ponnambalam

A summary of a paper prepared for the International Tamil Conference to be held in London on 30th April and 1st May 1988

"In so far as we can give to each nation the power to express itself as a state..... we liberate a spiritual energy, which beyond discussion, adds to the happiness of mankind..... For one nation to refuse this power of expression to another is to impoverish the spiritual well-being of the world." - *Harold Laski in "Nationalism and the future of civilisation (1939)*

National self-determination as a political principle has evolved over the last 150 years as a by-product of the doctrine of nationalism. The term "peoples", in the UN Charter and Covenants is used as being coincident with "nation." What is a nation?

At the time of World War I, on the basis of Krehbiel's formulation, it was said that **"a nation exists when its component parts believe it to be a nation."** This repeats the much earlier idea of the great French scholar Ernest Renan when he simply referred to the nation as a "corporate soul." While this attempt at defining emphasises the subjective factor, yet it is inadequate in offering no means of distinguishing a nation from a community or tribe. **An indispensable characteristic is the possession of a specified territory by the nation.**

Taking into account the many views expressed, we find the following as indispensable characteristics of a nation:

(1) possession of a specified territory;

(2) a consciousness among the people as a nation; and

(3) cultural integration which binds the people by ties of cultural oneness.

Applying these criteria, the Tamils of Sri Lanka vis-a-vis the Sinhalese are indisputably a nation. However much Jayewardene brothers and their recently recruited pseudo-intellectual cohorts, in their myopia may want it otherwise to carry on their mad programme of Tamil genocide, **the Tamils are a nation, living in a specified territory, possessed of consciousness as a nation and manifesting socio-cultural integration and coherence as one people.**

It is essential to correctly designate the political conflict in Sri Lanka as one between the oppressor Sinhalese government subjugating the Tamil nation in the name of the interests of the Sinhalese nation on the one hand, and the oppressed Tamil nation fighting for freedom, on the other. It is a national question sui generis. That the Tamils of Sri Lanka are an oppressed nation, now subjected to genocidal repression by the very Government which must protect their lives, is put beyond any doubt by what Jayewardene, as President of the country told Ian Ward, a British journalist in July 1983. He said: "I am not worried about the opinion of the Jaffna people...Now we can't think of them. Not about their lives or of their opinion about us." *(Daily Telegraph, London. 11.7.83)*

This Daily Telegraph interview was re-published in the Sunday Observer (Colombo) and all the Sinhala newspapers. The TULF President and M.P. for Nallur referred to the above statement in the 'Sunday Observer', in parliament and said: "I only hope that what was published would be contradicted by the President.... I hope to God that the article which was an interview was wrong as it was stated there that the President did not care for the lives of the people of Jaffna." No contradiction was ever made and the President stood by the correctness of that news report.

A multi-nation State can continue to exist only if the cultural diversity of the separate nations is recognised as the bedrock and the equality of the constituent nations is accepted as axiomatic. The legislature in such a State must devise the structure to prevent the domination of one nation by the other. If domination be pursued, the State will fall apart and destroy itself. In Sri Lanka, domination and subjugation of the Tamils was what the blinkered Sinhalese chauvinist politicians wanted and achieved. Hence, the nation-breaking that is taking place.

The Tamil people have been subjected to and are fighting against the internal colonialism of the Sinhalese. The UN Declaration on the Granting of Independence to Colonial Countries and Peoples (G.A.Resolution 1514 of 1960) states: "... the process of liberation is irresistible and irreversible and all people have an inalienable right to complete freedom, the exercise of their sovereignty."

Professor Virginia Leary, in her "Ethnic Conflict and Violence" in Sri Lanka (I.C.J.1983, p.69), states: **"The Tamils could be considered to be a 'people'. They have a distinct language, culture, a separate religious identity from the majority population, and to an extent, a defined territory.** Claims to self-determination under international law, however, must also be balanced against the international law principle of the territorial integrity of states." True and a correctly stated international law principle indeed. But territorial integrity of states is not an end in itself. It is only of instrumental value in furthering the interests of all its citizens and to provide for the peoples comprised in the territory of the State their legitimate right to exercise power for their well-being. In international law, a nation of peoples have rights, viz, right to freedom from oppression, from racial discrimination, human rights, fundamental freedoms, etc.

The UN Declaration on the Principles of Equal Rights (GA Resolution 2625 of 1970) gives the right of self-determination to peoples within

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existing independent states when governments fail to "conduct themselves in compliance with the principles of equal rights" and when the States do not "represent the whole of *the people belonging to the territory* without distinction as to race, creed or colour." The Article reads as follows:-

"Nothing in the foregoing paragraphs shall be construed as authorising or encouraging any action which would dismember or impair, totally or in part, the territorial principle of equal rights and self-determination as described above and thus possessed of a government representing the whole people belonging to the territory without distinction as to race, creed or colour."

The Sri Lanka Government which does not hide its naked genocidal massacre of the innocent Tamils in their homelands cannot be regarded as conducting itself in compliance with the principle of equal rights. **Nor can that government be regarded as representing the Tamil people when Jayewardene himself has said that he was not worried about the opinion of the Jaffna people and not about their lives.**

What is self-determination in international law? The UN Declaration on the International Status of "Peoples" and their Right of Self-determination (GA Resolution 2625 of 1970) states:-

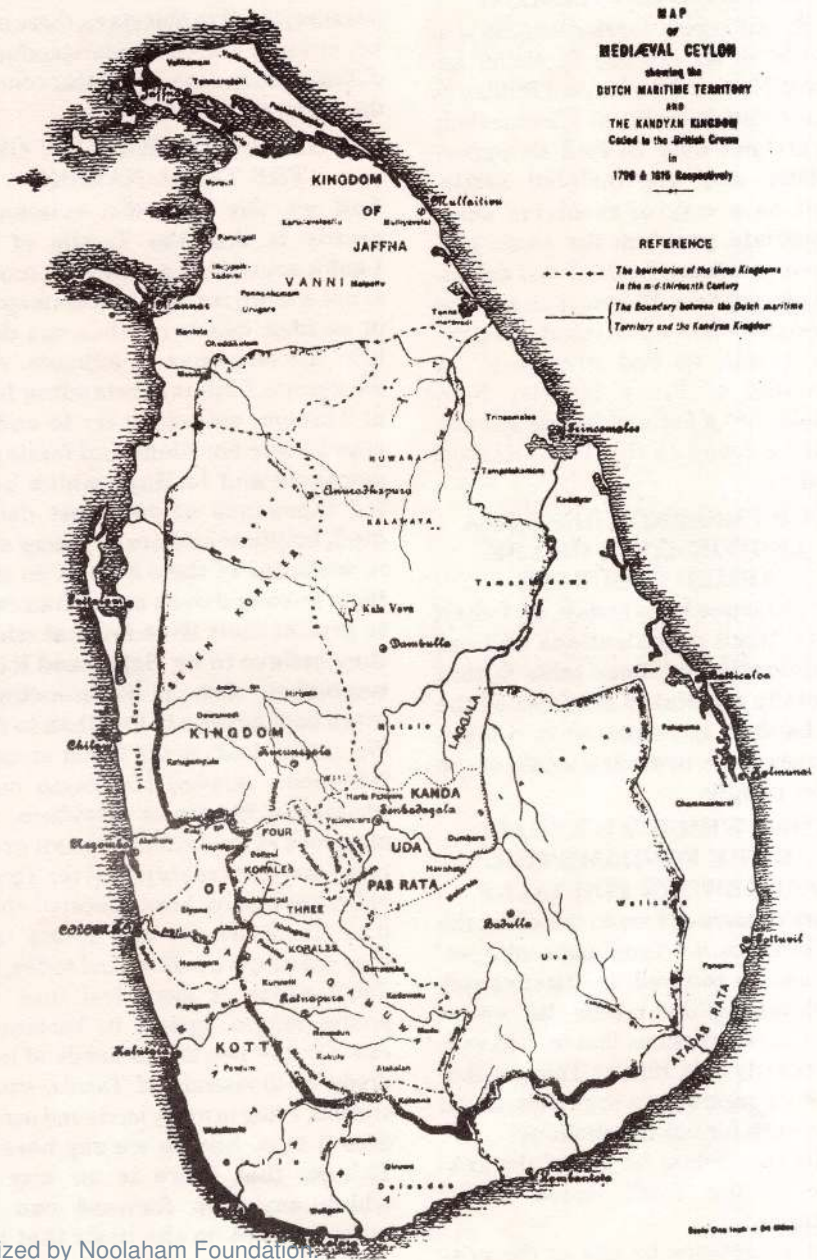
"The establishment of a sovereign independent state, the free association or integration with an independent state or the emergence into any other political status freely determined by a people constitute modes of implementing the right of self- determination by that people."

The Sri Lankan Government has not simply been against but oppressive of the Tamil people, as a nation and its political, economic, social and ethnocultural interests. **Tamils in Sri Lanka have no state and are seeking to create their own sovereign state of Eelam based on their right of self- determination.** They are a stateless nation oppressed by alien Sinhalese colonialism and domination.

The Tamil freedom fighters today assert and bear arms in exercise of their right to self-determination. In practical terms, what is now necessary is a constitutional formula for secession. In this, the Tamil people need the help of the international community, as the oppressor does not want to recognise its own international obligations. Otherwise, the state of international relations would be seen to be one of paralysis and bankruptcy, the inaction dictated by out-dated cliches of "internal affairs", "territorial integrity", "national unity", etc. To avoid further unnecessary violence, turmoil and loss of innocent lives, on both sides, it is the right and duty of the UN and concerned Member States, to intervene in recognition of the right of the Tamil people to self-determination.

The particular justifiable circumstance of the Tamil people's desire for self- determination by secession is that it developed out of the dynamic of national oppression and has generated its own momentum. It is a national liberation struggle sui generis and in the words of David Selbourne of Oxford University "a true national question, if ever there was one."

There is need for enlightened and progressive realisation that self-determination necessarily involves attack on existing union, territorial unity and state sovereignty. But that is for the higher cause of human liberation, human rights and human dignity. **The existing state cannot be regarded or defended as permanent and unalterable in the face of internal colonialism, genocidal repression, organised pogroms and mass massacre of a nation of people.**



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WE, TOO, ARE A PEOPLE

By Nadesan Satyendra

Extracts from the Statement made by Nadesan Satyendra on behalf of the Tamil delegation at the Thimpu Talks, on the 14th of August 1985:

TAMIL NATIONAL STRUGGLE : ITS CONTEXT

The Tamil national struggle is not taking place in some Himalayan stratosphere - it is taking place on the ground and in the context of the power balances in the Indian region. We are mindful of this reality and we, for our part, welcome India's role in bringing about these discussions. We are Tamils, we are also Indians and we seek to live in equality and in freedom with our brothers and sisters of India.

WE DO NOT SEEK AN OPPORTUNISTIC SETTLEMENT

We do not regard these discussions at Bhutan as an exercise in skilful advocacy. Neither do we regard Bhutan as an exercise in political horsedealing. **We are not here to find an opportunistic and unprincipled settlement as a way of resolving some immediate problem for some person or another.** To the Tamil delegation present here, Bhutan is an exercise in search for that which is just and right. And in this, we find strength in the statement of Prime Minister Rajiv Gandhi that a fair and lasting solution must be found to the Tamil national question.

OUR PRESENCE HERE IS A LEGITIMATION OF THE ARMED STRUGGLE

Our presence here today, on behalf of six Tamil organisations and our participation at these talks with a specially appointed Minister of the Sri Lankan government is a legitimation of the armed struggle of the Tamil people.

THAT WHICH WE REGARD AS THE FUNDAMENTAL FRAMEWORK FOR TALKS

We are concerned here to talk about the way in which the Tamil national question can be resolved, in a lasting way and it was for that reason that we set out at the discussions that we had with you in early July 1985 at Thimpu, that which we regarded as the fundamental framework for our negotiations:

1. The recognition by you of the existence of the Tamil nation in Sri Lanka.
2. The acceptance by you of the existence of an identified homeland for the Tamils in Sri Lanka.
3. The recognition by you of the right of self-determination of the Tamil nation, and
4. The recognition by you of the right to citizenship and fundamental rights of all Tamils who have made the Island their home. And the importance that we attach to the framework which we have suggested is that we believe that by an exchange of views concerning the framework, we can clarify, refine and understand what it is that we are talking to each other about. If we do not share an understanding of what it is that we are talking about, then, we will not ever get to the next stage of examining detailed sections and clauses of enactments and constitutional provisions - because, to get to that stage, there must be, at least, a broad understanding of the essentials of the issues that concern the Tamil people today.

EXISTENTIAL REALITY OF THE TAMIL NATION

And we say that the existential reality is that the Tamils of Sri Lanka constitute a nation. A nation is not a mere intellectual concept. It is an idea which reaches out deep into the emotions of humans. And we cannot find understanding here at Thimpu, unless we try to understand these emotions and feelings - emotions and feelings which have led thousands of our most dedicated, brilliant and brave young men to walk out of their homes, to give their lives and even more than that, to give of their lives for that which they believe to be right - and let us remember that it is sometimes more courageous to live than to die. We cannot look at the Tamil struggle from some rarefied Himalayan peak, whether in Bhutan or elsewhere. We must look at the hard reality as it exists today and that reality is that the Tamils of Sri Lanka have been educated about their Tamil identity and by any test, they constitute a nation. And today, the Tamil nation is more real than the armies ranged against it, because it exists in the hearts and minds of hundreds of thousands of Tamils, young and old, living in many lands and across distant seas. **And so we say here at Thimpu that there is no way in which any step forward can be taken, except on the basis that the Tamils of Sri Lanka constitute a nation.**

JUSTICE OF OUR CLAIM TO A HOMELAND

Again, do you not see the justice of our claim to an identified homeland? Do you not see that without an identified homeland, we could not have become a people with a separate language and a separate culture, and that without an identified homeland we shall cease to be people? Or is it the position that the Sri Lankan government does in fact see this reality and for that reason, refuses to recognise the existence of a homeland for the Tamil people, so that it may absorb the Tamil people into a single homogeneous 'Sinhalese' nation masquerading as a 'Sri Lankan' nation?

REAL QUESTION : WHAT IS IT THAT THE SINHALESE PEOPLE WANT?

And so the real question is: what is it that the Sinhalese people want? Are the Sinhalese people willing and ready to recognise the Tamils as a people and sit with them as equals, I repeat as equals, and structure a polity for a multinational state? If you cannot do that then all these talks will amount to nothing but an empty charade devoid of meaning or content.

WE, TOO, ARE A PEOPLE, AND WE HAVE THE RIGHT TO CHOOSE

But, if you agree that we have the right of self-determination, if you agree that we, as a people, have the right to choose, we can sit together as equals and talk about the way we propose to exercise our right. **But we are not prepared to sit and talk with you on the basis that one is the master and the other is the servant, that one is the ruler and the other is the ruled.** That is not the basis on which we can participate at discussions, whether at Thimpu or elsewhere. **Please do not believe that you can manage and subjugate the Tamil people through stooges who depend for their power on the patronage of the ruler. Thousands of Tamils, young and old, men and women, and children as well, have died and suffered so that we may stand up at Thimpu, and for that matter anywhere else, and say 'yes, we too are a people, and we will sit and talk with you, on behalf of the Tamil nation, or not at all'.**

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